

REQUEST FOR COUNCIL ACTION

SUBJECT: Children's Justice Center – Day of Hope Car Show

SUMMARY: The third annual Day of Hope Car Show is requesting the city to waive the amount equal to park fees, encroachment permits and any additional city services required.

FISCAL IMPACT: Fees are broken down in the background information totaling \$3,835

STAFF RECOMMENDATION:

Staff is looking for direction from council.

MOTION RECOMMENDED:

"I move to approve the waiver and requests equivalent to fees and services for the 2014 Children's Justice Center Day of Hope Car Show on August 2, 2014."

Roll Call vote required

Prepared by:



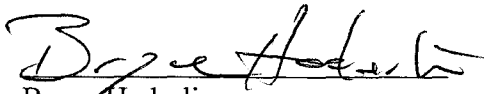
Julie Brown
Events Coordinator

Recommended by:



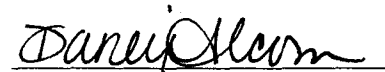
Rick Davis
City Manager

Reviewed By:



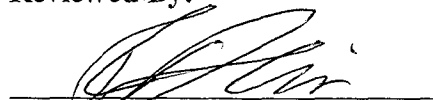
Bryce Haderlie
Assistant City Manager

Reviewed By:



Darien Alcorn
Deputy City Attorney

Reviewed By:



Richard Davis
Police Deputy Chief

Reviewed By:



Clint Peterson
Fire Deputy Chief

BACKGROUND DISCUSSION:

3-4-1: WAIVER OF FEES AND FINES, GENERALLY:

For purposes of this chapter, "waiving" an amount also means writing off, forgiving and/or compromising such an amount. Any fees or other monies legally required by this code to be paid to the city may not be waived, unless:

- A. City Attorney Determination: Determined by the city attorney to be legally uncollectible.
- B. City Manager Authority: Any fee, fine, interest, penalty or other money legally required by this code to be paid by a citizen, applicant or respondent to the city in connection with a city provided service or a license/permit may be waived by the city manager:
 - 1. Value For Value Settlements: If the waiver of fees or claims confers a substantially equivalent benefit on the city consistent with law, provided that any such waiver/forgiveness of an amount exceeding fifteen thousand dollars (\$15,000.00) must be approved by the city council; or
 - 2. Rectifying Errors: In an amount not to exceed five hundred dollars (\$500.00) in any one instance, to rectify an alleged error by city personnel or to rectify any other perceived inequity.
 - 3. Doubtful/Uncollectible Amounts: Once the city has made reasonable efforts to collect an unpaid fee, fine, interest, penalty or other money legally owed to the city, or has otherwise determined in good faith that the amount is practically uncollectible; provided that any amount totaling more than one thousand dollars (\$1,000.00) per account may not be waived without city council approval.

The city manager may delegate some or all of this authority to department heads and other managers in city government by administrative directive.

- C. Support Of Charitable Entities: After following the procedures required by Utah code section 10-8-2(2) or any successor provision, the city council may waive fees otherwise due to the city, and may otherwise provide financial and nonfinancial support to a charitable entity providing services to the citizens of the city.
- D. Settling Litigation And Prelitigation Claims By Or Against The City: A claim made by or against the city may be compromised, in whole or in part, without city council approval, up to an amount payable by, or to be paid to, the city of fifteen thousand dollars (\$15,000.00), if the city attorney determines that such a compromise is in the best interests of the city. Notwithstanding the foregoing, prior to settling any claim by or against the city, the mayor shall be notified of any claim over five thousand dollars (\$5,000.00), and if deemed necessary the mayor shall call a special/emergency council meeting. (2001 Code § 1-1-120; Ord. 09-19, 7-14-2009)

Pursuant to City Code Section 3-4-1, the City Council may waive fees otherwise due to the City, and may otherwise provide financial and nonfinancial support to a nonprofit entity providing services to the citizens of the City, if the City complies with section 10-8-2 of the Utah Code. Section 10-8-2 limits the charitable contribution to a nonmonetary contribution, such as fee waivers and City services. It also limits the total charitable contributions for the fiscal year to 1% of the City's budget for that fiscal year and requires a public hearing prior to approval.

The Children's Justice Center is a nonprofit corporation and requesting nonmonetary contributions for the Day of Hope Car show valued at \$3,835 as follows:

Day of Hope Car Show requested services:

<u>Requested Item</u>	<u>Cost/Value</u>
• Police - K9 Demonstration, Vehicles (6 @ \$50 per hour)	\$1500
• Police Chief and Fire Chief as Judges	N/A
• Mayor or designee to select a car award winner	N/A
• Fire Apparatus display (\$171 per hour)	\$855
• Post event information on City Website	N/A
• Post event information on lobby kiosk	N/A
• Display poster in city locations	N/A
• Share event information electronically / social media (\$10/boost)	\$20
• Park fees	
○ Deposit	\$500
○ Set up / Cleaning	\$150
○ Pavilion rental:	\$300
○ Staff support (8a – 6p=10hrs) 10hrs x \$25	\$250
• Encroachment permit	\$260
• Permission to park cars on the park grass	N/A
TOTAL:	\$3,835

THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

RESOLUTION NO. 14-102

A RESOLUTION AUTHORIZING THE WAIVER OF FEES AND PROVISION OF CITY
SERVICES FOR THE CHILDREN'S JUSTICE CENTER, A NONPROFIT ENTITY,
PURSUANT TO CITY CODE SECTION 3-4-1

Whereas, the City Council of the City of West Jordan has reviewed the facts and circumstances regarding the Children's Justice Center request for the City to provide services and waive park use fees for the 2014 Day of Hope Car Show; and

Whereas, the City Council has determined, after holding a public hearing pursuant to Utah Code Ann. §10-8-2, to provide nonmonetary assistance to the Children's Justice Center, a nonprofit entity, in the form of a fee waiver and City services in the amount of \$3,835.00; and

Whereas, the City Council has determined the value of the nonmonetary assistance, combined with other nonmonetary assistance provided during the applicable fiscal year will not exceed 1% of the budget for the fiscal year; and

Whereas, The City Council has determined that it is in the best interest of the City to provide the charitable contribution.

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF WEST JORDAN, UTAH:

Section 1. Nonmonetary assistance to Children's Justice Center is approved in an amount not to exceed \$3,835.00.

Section 2. This resolution shall take effect immediately.

Adopted by the City Council of West Jordan, Utah this 28th day of May, 2014.

CITY OF WEST JORDAN

ATTEST:

By: _____
Mayor Kim V. Rolfe

MELANIE BRIGGS, City Clerk

Voting by the City Council

Council Member Jeff Haaga
Council Member Judy Hansen
Council Member Chris McConnehey
Council Member Chad Nichols
Council Member Ben Southworth
Council Member Justin D. Stoker
Mayor Kim V. Rolfe

"AYE"

"NAY"

